

## LABOR SERVICES DIVISION[875]

### Notice of Intended Action

#### **Proposing rule making related to fact-finding interviews regarding contractor registration revocation and providing an opportunity for public comment**

The Labor Commissioner hereby proposes to amend Chapter 150, “Construction Contractor Registration,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 91C.6.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 91C.5.

#### *Purpose and Summary*

For a contractor that no longer meets the criteria for registration, Iowa Code section 91C.5 establishes a revocation procedure requiring a fact-finding interview to assure that a contractor is not in compliance with registration requirements. Subrule 150.11(3), which relates to Iowa Code section 91C.5, defaults to an in-person fact-finding interview with an option for a telephone interview. The proposed amendment to subrule 150.11(3) defaults to a telephone fact-finding interview with videoconference as an option, but also provides for a contractor to request an in-person fact-finding interview at least 72 hours before the interview is scheduled to begin.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 1.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commissioner no later than 4:30 p.m. on October 27, 2021. Comments should be directed to:

Kathleen Uehling  
Division of Labor Services  
150 Des Moines Street  
Des Moines, Iowa 50309  
Email: [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov)

### *Public Hearing*

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

October 27, 2021  
1 p.m.

150 Des Moines Street  
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commissioner and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 150.11(3) as follows:

**150.11(3) *Fact-finding interview.*** The purpose of the fact-finding interview is to ensure the contractor is not in compliance before the registration is revoked. ~~All fact-finding interviews shall be held in the offices of the division. A telephone interview may be conducted upon request. The contractor may file a request for an in-person fact-finding interview at least 72 hours before the fact-finding interview is scheduled to begin. Otherwise, the fact-finding interview will be conducted by telephone. The contractor may notify the fact finder of a telephone number to use at least 24 hours before the fact-finding interview is scheduled to begin. Otherwise, the fact finder shall call the number on file for the contractor. The fact-finding interview may be conducted via videoconference if the fact finder and the contractor make arrangements in advance.~~